

clf\boselli-keystone\pleadings\complaint3/14/2007

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM A. BOSELLI, JR.  
31 Pine Brook Circle  
Penfield, NY 14526

Plaintiff

vs.

KEYSTONE COLLECTION  
ASSOCIATES, LLC, d/b/a KEYSTONE  
COLLECTION ASSOCIATES  
305 Rutledge Road  
New Freedom, PA 17349

Defendant

CIVIL ACTION

NO.

**COMPLAINT**

**I. INTRODUCTION**

1. This is an action for damages brought by a consumer pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. §1692 ("FDCPA").

2. The FDCPA prohibits debt collectors from engaging in deceptive and unfair practices in the collection of a consumer debt.

3. Defendant is subject to strict liability for sending a collection letter which violates the provisions of the FDCPA.

**II. JURISDICTION**

4. Jurisdiction arises under 15 U.S.C. §1692k and 28 U.S.C. §1337.

**III. PARTIES**

5. Plaintiff is William A. Boselli, Jr., a consumer who resides in Penfield, New York at the address captioned.

6. Defendant Keystone Collection Associates, LLC, d/b/a Keystone Collection Associates (hereinafter referred to as "Keystone") is a limited liability company with offices for the regular transaction of business at the address captioned.

7. Keystone regularly engages in the collection of consumer debts using the mails and telephone.

8. Keystone regularly attempts to collect consumer debts alleged to be due another.

9. Keystone is a "debt collector" as that term is contemplated in the FDCPA, 15 U.S.C. §1692a(6) and regularly does business in the Eastern District of Pennsylvania.

#### **IV. STATEMENT OF CLAIM**

10. On or about January 2, 2007, Keystone sent to Boselli an initial collection notice seeking to collect on a consumer debt alleged due for a healthclub membership. A copy of the collection notice is attached hereto as Exhibit "A," redacted per local rule.

11. The underlying debt was not valid. Boselli had not renewed the healthclub membership and had put the healthclub on notice of that fact.

12. Despite actual notice of non-renewal, the healthclub sought to put through an "electronic check" self renewing Boselli's membership. When the electronic check was refused by the bank to whom it was presented, the healthclub turned the matter over to Keystone for collection.

13. Boselli repeatedly advised Keystone Collection orally and in writing that there was not a renewal of the membership and that no sums were due and owing.

14. Keystone has continued in the collection efforts and has threatened to report the debt as a bad debt collectable on Boselli's credit reports.

15. Section 1692e(2)(a) of the FDCPA prohibits debt collectors from falsely representing the character, amount, or legal status of a consumer debt alleged due.

16. Keystone, by attempting to collect sums not owed, has misrepresented the character, status and amount of the debt in violation of 15 U.S.C. §1692e(2).

17. The FDCPA also prohibits debt collectors from communicating or threatening to communicate to any person credit information which is known or which should be known to be false. 15 U.S.C. §1692e(8).

18. Keystone's threat to report the alleged account to the credit reporting agencies when it knows or should know that the account is invalid, violates the FDCPA.

19. In addition, 15 U.S.C. §1692g requires a debt collector to provide a consumer with an important mandatory validation notice.

20. The initial communication sent by Keystone dated January 2, 2007 did not carry the required validation notice, in violation of the FDCPA.

**COUNT I – FAIR DEBT COLLECTION PRACTICES ACT**

21. Plaintiff repeats the allegations contained above as if the same were here set forth at length.

22. The actions of Keystone as above described constitute a violation of the Fair Debt Collection Practices Act, 15 U.S.C. §1692e, §1692e(2), §1692e(8), and §1692g.

**WHEREFORE**, plaintiff William A. Boselli, Jr. demands judgment against defendant Keystone for:

- (a) Damages;
- (b) Attorney's fees and costs;
- (c) Such other and further relief as the Court shall deem just and proper.

V. **DEMAND FOR JURY TRIAL**

Plaintiff demands a trial by jury as to all issues so triable.

Date: 3/14/07

/s/ Cary L. Flitter – CLF5997

CARY L. FLITTER  
THEODORE E. LORENZ  
Attorney for Plaintiff

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# **EXHIBIT "A"**

Keystone Collection Associates  
305 Rutledge Road  
New Freedom, PA 17349  
FAX (717) 235-3097  
PHN (717)-235-6191

Date 1/02/07

Bill Boselli  
31 Pinebrook Circle  
Penfield, NY 14526

Creditor..... Lifetime Fitness  
Account# [REDACTED]

**Balance \$415.00**

Dear Mr. Boselli,

The above named creditor has assigned your account to us for immediate collection of the balance in full.

Please contact this office so that arrangements may be made and any further action can be stopped, or send check or money order to the above address. Please note your account number on your payment.

Yours Truly,



Senior Associate  
Debbi Sennett

Unless this account or any portion is disputed within 30 day from receipt of this notice, we will assume this debt to be valid. This is an attempt to collect a debt. Any information obtained will be used for that purpose.